

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAWRENCE M. EDWARDS,

Plaintiff,

v.

ELLIS MCSWAIN, et al.,

Defendants.

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No. 4:17-CV-2179 AGF

MEMORANDUM AND ORDER

This matter is before the Court on the following motions of pro se plaintiff Lawrence M. Edwards: (1) motion for entry of default against defendant Les Semar; (2) motion for copies; and (3) motion for issuance of subpoenas. For the following reasons, the motions will be denied.

Defendant Les Semar was served on April 25, 2018 at his home address. The return of service was filed under seal because it identified defendant's home address. Under Federal Rule of Civil Procedure 12(a), defendant Semar's response to the complaint was due May 16, 2018. On May 16, 2018, Mr. Semar filed timely his response to the complaint. Plaintiff's motion for entry of default erroneously states that Mr. Semar was served on February 13, 2018. This date was the date the summons was hand delivered to the United States Marshal Service, not the date Mr. Semar was served. Because Mr. Semar is not in default, the Court will deny plaintiff's motion for entry of default.

Plaintiff's motion for copies will also be denied. In his motion, plaintiff states various pleadings were destroyed by corrections officers during a cell search. He asks the Court to make copies of these documents and provide the copies to him. Although the Court sympathizes with plaintiff's situation, the Court does not provide free copies of documents on behalf of persons

granted in forma pauperis status. The Clerk's Office will make copies of documents at the rate of fifty cents (50¢) per page, prepaid. Because plaintiff has not prepaid for the requested copies, the motion to make copies will be denied. If plaintiff obtains the funds necessary to receive copies from the Clerk, the Clerk will make the copies.

Finally, plaintiff's motion for issuance of subpoenas will be denied as premature because the Court has not authorized discovery. *See* E.D. Mo. L.R. 16 - 5.01, 16 - 5.04 (discovery in prisoner cases may not take place until Court enters a case management order).


Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for clerk's entry of default is **DENIED**. [ECF No. 59]

IT IS FURTHER ORDERED that plaintiff's motion for copies is **DENIED** without prejudice. [ECF No. 52]

IT IS FURTHER ORDERED that plaintiff's motion for issuance of subpoenas is **DENIED** without prejudice. [ECF No. 60]

Dated this 25th day of May, 2018.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE